

MEDIACROSS, INC.,

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AGBCA No. 2006-140-1

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Appellant

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Representing the Appellant:

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Mark Travers, President

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MediaCross, Inc.

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2001 S. Hanley Road

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Suite 540

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St. Louis, Missouri 63144

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Representing the Government:

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L. Benjamin Young, Jr., Esquire

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Office of the General Counsel

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U.S. Department of Agriculture

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1400 Independence Avenue, SW

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Room 3311 - South Building

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Washington, D.C. 20250

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ORDER OF THE BOARD

April 4, 2006

Opinion for the Board by Administrative Judge POLLACK.

On March 28, 2006, the Board received by facsimile a timely notice of appeal (dated March 27, 2006) from MediaCross, Inc., of St. Louis, Missouri, of the Contracting Officer's decision dated December 29, 2005, on MediaCross's claim which had been received by the Contracting Officer on June 21, 2005. The claim involved a number of issues which had developed under Contract No. 53-3A94-04-20, between Media Cross and the United States Department of Agriculture Food Safety and Inspection Service, Beltsville, Maryland. The last sentence of MediaCross's appeal stated, "We will withdraw our intention to appeal if we are able to conclude to mutual satisfaction a pending settlement proposal."

Under facsimile cover dated March 31, 2006, MediaCross submitted a letter titled, Withdrawal of Appeal. The letter reported that the parties had reached a settlement on the contract and stated that MediaCross was withdrawing its notice of appeal.

The above actions occurred so quickly that the Board did not have an opportunity to issue a docketing letter to the parties. Nevertheless, in filing the appeal with the Board, MediCross did make an election of forum. The Board has jurisdiction under 41 U.S.C. 601-613 over this timely filed appeal. Therefore, notwithstanding the withdrawal of the appeal, the Board has assigned a docket number, that being AGBCA No. 2006-140-1.

By its letter of March 31, 2006, MediaCross has withdrawn the appeal for which we have assigned a docket number. Accordingly, the Board dismisses the appeal on the basis that it has been withdrawn and settled.

DECISION

The Board has been advised that the parties have reached a settlement and MediaCross has requested that its appeal be withdrawn. Accordingly, the Board dismisses the appeal.

HOWARD A. POLLACK

Administrative Judge

Issued at Washington, DC

April 4, 2006